

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JULIO CURY, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT
OF STATE, et al.,

Defendants.

CASE NO. C23-0499JLR

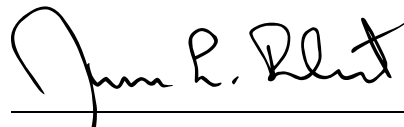
ORDER

On July 29, 2025, the court granted Defendants the United States Department of State and the Department of Homeland Security's (together, "Defendants") motion for summary judgment and denied Plaintiffs Julio Cury and Takao Yamada's (together, "Plaintiffs") motion for summary judgment in this Freedom of Information Act ("FOIA") case. (7/29/25 Order (Dkt. # 44).) The court ordered the parties to file, by no later than August 13, 2025, "a joint statement identifying the issues, if any, remaining for the court's determination and proposing a plan for resolving those issues." (*Id.* at 8.) The

1 parties timely filed a joint statement in which they represent (1) that Plaintiffs intend to
2 appeal the court's July 29, 2025 order, (2) that they "agree that there are no other
3 substantive FOIA claims or issues in this litigation that have not otherwise been resolved
4 and are in need of this court's resolution[.]" and (3) that any request for attorneys' fees in
5 this matter should be postponed until after Plaintiffs' appeal is resolved, pursuant to the
6 Advisory Committee Note to Federal Rule of Civil Procedure 54(d), which provides that
7 "[i]f an appeal on the merits of the case is taken, the court may rule on the claim for fees,
8 may defer its ruling on the motion, or may deny the motion without prejudice, directing
9 under subdivision (d)(2)(B) a new period for filing after the appeal has been resolved."
10 (Statement (Dkt. # 45) at 1-2.)

11 In light of the parties' representations, the court (1) DISMISSES Plaintiffs' claims,
12 and this action, with prejudice; (2) ENTERS JUDGMENT in this matter in favor of
13 Defendants; (3) ORDERS that any motion for an award of attorneys' fees in this matter
14 shall be postponed until after the resolution of Plaintiffs' appeal; and (4) ORDERS the
15 parties to file a joint proposed briefing schedule on Plaintiffs' motion for an award of
16 attorneys' fees by no later than 21 days after the Ninth Circuit Court of Appeals issues its
17 mandate on Plaintiffs' appeal.

18 Dated this 13th day of August, 2025.

19
20 

21 JAMES L. ROBART
22 United States District Judge